



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,862	07/23/2003	Eliezer Sanchez	4778.001	7990

7590 04/14/2006

David P. Lhota
Stearns Weaver Miller, et al.
Suite 1900
200 East Broward Boulevard
Fort Lauderdale, FL 33301

EXAMINER

TO, TUAN C

ART UNIT PAPER NUMBER

3663

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,862	Applicant(s) SANCHEZ ET AL.	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

With regard to the species election, the examiner withdraws said election.

All claims are examined as following:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Beason et al. (US 6373430B1).

Regarding claim 1, Beason et al. discloses a GPS system receiver and radio that includes the act of locating the coordinates of at least one target device, which is the other GPS/radio device. The GPS system receiver and radio determines the direction for reaching the target device, the other GPS/radio device, via the display device of the GPS/radio device. The GPS system receiver and radio comprises a GPS device having a GPS receiver (12) (Beason et al., column 3, lines 26-30) for communicating with a plurality of satellites; a processor (20) that determines the location of the other GPS/radio device within a predetermined range (Beason et al., column 4, lines 22-28) in a communication network; a transmitter for transmitting the location information to the other GPS/radio device in the communication network (Beason et al., abstract). It should be noted that the GPS system receiver and radio disclosed in Beason et al. additionally includes a plurality of tracking device which are transceiver (16), radio

Art Unit: 3663

antenna (18) (Beason et al. figure 2) for communicating with the GPS receiver of the GPS/radio device. Each of GPS/radio device represented in Beason et al. comprises a display (30) (Beason et al., column 3, lines 40-46) for determining a route for reaching the determined location of the target device, which is the other GPS/radio unit in the communication network. Beason et al. inherently discloses "means for concealing said target" since each of GPS/radio device has a housing that conceals the device.

With regard to claims 2 and 7, Beason et al. discloses a means for communicating with a plurality of satellites comprises at least one antenna and an a receiver (Beason et al., figure 2, receiver 12, antenna 14).

With regard to claims 3, 8, and 9, as represented herein above, Beason et al. discloses means for determining the location of other GPS/radio device as a target device. That is the processor (20) presented in figure 2. It is important to note that although in Beason et al., the processor readable software code is not mentioned, however, such code is inherently disclosed since the processor (20) performs variety of tasks by executes the computer software code stored in a readable medium.

With regard to claim 4, Beason et al. discloses the radio transceiver (16) that basically includes a transmitter and a receiver for transmitting data to and receiving data from other GPS/radio device (Beason et al., figure 2).

With regard to claim 5, Beason et al. do not mention about a means for receiving and supplying electrical power to a GPS/radio device, however, such feature is inherently included because the GPS/radio device is only operating when there is a means for receiving and supplying electrical power to the device.

Art Unit: 3663

With regard to claim 6, Beason et al. discloses the transceiver (16) which is the communication device for communicating with another GPS/radio device when said another GPS/radio device is in the communication network as represented above.

With regard to claim 10, Beason et al. further discloses that each GPS/radio device comprises a display device (30) as being a monitor provided for displaying an information regarding to a target device's location (Beason et al., figure 2).

The statements of intended use or field of use, "adapted for", "for determining...", "for locating...", "whereby..." clauses are essentially method limitations or statements or intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2nd 1647

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. In re Danly, 120 USPQ 528, 531.

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beason et al. (US 6373430B1) as applied to claims 1-10 above and in view of Lennen (US 5805108A).

With regard to claims 11-14, Beason et al. generally discloses a a GPS system receiver and radio that includes the act of locating the coordinates of at least one target

Art Unit: 3663

device. Beason et al. fails to disclose the following: "means for converting between RF and IF frequency signals", "means for converting signals between analog and digital", "a frequency synthesizer", "a reference oscillator".

Lennen has been cited to overcome the missing features from Beason et al. by teaching an apparatus/method for processing multiple frequencies in satellite navigation systems including: a down converter (114) having a converter for converting between RF and IF frequency signals, a frequency synthesizer (122) and a reference oscillator (124) (Lennen, figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Beason et al. to include the teachings as taught by Lennen in order to receive multiple satellite signals, and therefore to improve the differential and survey navigation applications.

Response to Arguments

The applicant argues in his response that Ladner also fails to disclose a means for concealing a target device, IUWF converter, frequency synthesizer and reference oscillator as disclosed and claimed by Applicant. In response to the amendment to the claims, the new references to Beason et al. and Lennen have been cited as teaching means for concealing a target device, IUWF converter, frequency synthesizer and reference oscillator as now claimed.

Conclusions

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

Art Unit: 3663

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/625,862


Page 8

Art Unit: 3663

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

April 05, 2006


JACK KEITH
SUPERVISORY PATENT EXAMINER